

Filed for intro on 02/03/2000

HOUSE BILL 3048
By Westmoreland

AN ACT, to amend Tennessee Code Annotated Title 54, Chapter 16, relative to the removal of vehicles, spilled cargo or other personal property from controlled-access highways, and to amend Tennessee Code Annotated, Subsection 55-10-117(c), relative to the removal of vehicles from accident scenes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 54, Chapter 16, is amended by adding the following language as a new, appropriately designated section:

54-16-____. Removal of Vehicles, Spilled Cargo or Other Personal Property.

-- (a) The department of safety, department of transportation, or local law enforcement agency may immediately remove or cause to be removed any wrecked, abandoned, unattended, burned or partially dismantled vehicle, spilled cargo or other personal property from the roadway of a controlled-access highway if the vehicle, cargo or personal property is creating an obstruction or hazard to traffic because of its position in relation to the highway, as determined by authorized officers or employees of such department or agency.

(b) Vehicles, cargo or personal property may be removed to any place within the immediate vicinity without any further action or obligation by the department of transportation,

department of safety, local law enforcement agency or others acting at the direction of such department or agency.

(c) The removal of vehicles away from the immediate vicinity by law enforcement agencies pursuant hereto shall be subject to the same procedures as set forth in § 55-16-101 *et seq.* If the department of transportation removes or orders the removal of a vehicle away from the immediate vicinity, the department shall notify the department of safety or the local law enforcement agency, and the department of transportation shall follow the same procedures as in § 55-16-101 *et seq.*, provided that the department of transportation may make arrangements with the department of safety or local law enforcement agency to act on behalf of the department of transportation in complying with § 55-16-101 *et seq.*

(d) If the department of safety, department of transportation, or local law enforcement agency removes or orders the removal of spilled cargo or personal property away from the immediate vicinity the department or agency shall make reasonable efforts to notify the owner, if known, and shall allow the owner at least 48 hours to claim the cargo or personal property. However, the department or agency may immediately dispose or arrange for the disposal of any cargo, personal property or other debris that is damaged beyond use or repair.

(e) The department of safety, department of transportation, or local law enforcement agency and their officers, employees and agents, shall not be held liable for any damages or claims that may result from the removal or subsequent disposal of vehicles, spilled cargo or other personal property except for acts of bad faith.

(f) The department of safety, department of transportation, or local law enforcement agency may require the owner and carrier, if any, of the vehicle, spilled cargo or other personal property removed or disposed of under the authority of this section to pay for any costs incurred in the removal and subsequent disposition of such vehicle, spilled cargo or other personal property.

SECTION 2. Tennessee Code Annotated, Subsection 55-10-117(c), is amended by inserting the words “apparent serious” between the words “no” and “personal injury”; by deleting the comma and substituting the word “or” between the words “personal injury” and “death”; by deleting the words “or extensive property damage” after the word “death”; and by deleting the word “may” and substituting the word “shall” between the words “driver license” and “remove” in the first sentence of this subsection so that the subsection shall now read in its entirety as follows:

(c) When a motor vehicle traffic accident occurs with no apparent serious personal injury or death, the driver of each motor vehicle involved in such traffic accident, or any other occupant of any such motor vehicle who possesses a valid driver license shall remove the vehicle from the immediate confines of the roadway into a safe refuge on the shoulder, emergency lane, or median or to a place otherwise removed from the roadway whenever such moving of a vehicle may be done safely and the vehicle is capable of being normally and safely driven, does not require towing, and may be operated under its own power in its customary manner without further damage or hazard to itself, to the traffic elements, or to the roadway. The driver of such motor vehicle may request any person who possesses a valid driver license to remove such motor vehicle as provided in this section, and such person may comply with such request.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.